

# 1. PARENTAL CONSENT 34 CFR §300.300 and NC 1503-1

## DEFINITION

Consent means:

- You have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent;
- You understand and agree in writing to that action, and the consent describes that action, and lists the records (if any) that will be released and to whom; and
- You understand that the consent is voluntary on your part and you may withdraw your consent at anytime.
- Your withdrawal of consent does not undo an action that has occurred after you gave your consent and before you withdrew it.
- If you revoke consent in writing to end your child's receipt of special education services after the child has already received services, the LEA is not required to amend the education records to remove any references to your child's receipt of special education services

Your withdrawal of consent does not undo an action that has occurred after you gave your consent and before you withdrew it.



### ***In Other Words...***

You have certain consent rights. There are times when the LEA must ask for your written permission. These are explained below.



You can withdraw your permission, but cannot change what happened before you withdrew it.

## CONSENT FOR INITIAL EVALUATION → Form DEC2

Your LEA cannot conduct an initial evaluation of your child to determine whether your child is eligible under IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and without obtaining your consent as described in this section.

Your LEA must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.

Your consent for initial evaluation does not mean that you have also given your consent for the LEA to start providing special education and related services to your child.

If your child is enrolled in public school or you are planning to enroll your child in a public school, and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your LEA may, but is not required to, seek to conduct an initial evaluation of your child by requesting mediation or filing a petition for a due process hearing. Your LEA will not violate its obligations under Child Find to locate, identify and evaluate your child if it does not pursue an evaluation of your child in these circumstances.



You must be notified and give written permission before the LEA can evaluate your child for special education and related services for the first time.



Giving permission to evaluate does not mean you have also given permission for special education services.



If you do not give written permission, the LEA can request mediation or file a due process petition to test your child without permission, but it is not required to do this.

## SPECIAL RULES FOR INITIAL EVALUATION OF WARDS OF THE STATE

Ward of the State in North Carolina means a child who, as determined by North Carolina law, is removed from the home and placed in custody with the Department of Social Services (DSS) or a person designated in a court order.

If a child is a ward of the State and is not living with you, the LEA does not need consent from you for an initial evaluation to determine if your child is a child with a disability if:

- Despite reasonable efforts to do so, the LEA cannot find you;
- Your rights have been terminated in accordance with NC law; or
- A judge has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than you.